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OFFICE OF PETITIONS

In re Application of :
John Prudden, Jr. et. al. :
Application No. 10/787,289 : ON PETITION
Filed: February 26, 2004 :
Attorney Docket No. 00216-620001/Case 4272 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 25, 2007, to revive the above-identified application.

The application became abandoned for failure to reply to the final Office action mailed April 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation application; (2) the petition fee of \$1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 11/874,588.

The Office acknowledges receipt of \$1,050 for a three months extension of time filed on October 25, 2007. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the \$1,050 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions